

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAN COFFMAN	§	
VS.	§	CIVIL ACTION NO. 1:07cv563
WESLEY FREEMAN	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Dan Coffman, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to applicable orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this lawsuit be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit. While plaintiff asserts he was attacked by a fellow inmate in November, 2006, he does not state he has been subsequently threatened by the same inmate or any other inmate. As a result, the magistrate judge correctly concluded plaintiff has not shown he was in imminent danger of serious physical injury on the date he filed his complaint. Section 1915(g) therefore prevents plaintiff from proceeding with this lawsuit on an *in forma pauperis* basis.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED. A final judgment will be entered dismissing this lawsuit in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this **3** day of **October, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge